

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 1:22-cv-21004-MD

JESSICA GUASTO,

Plaintiff,

vs.

THE CITY OF MIAMI BEACH, FL,
a Florida municipality,

Defendant.

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION
OF TIME TO FILE ITS REPLY TO PLAINTIFF'S RESPONSE
TO DEFENDANT'S FULLY DISPOSITIVE MOTION FO SUMMARY
JUDGMENT AND TO FILE ITS REPLY STATEMENT OF MATERIAL FACTS**

Defendant, THE CITY OF MIAMI BEACH, FL, a Florida municipality ("City"), through its counsel files its Unopposed Motion for Extension of Time to File Its Reply to Plaintiff's Response to Defendant's Fully Dispositive Motion for Summary Judgment and to File Its Reply Statement of Material Facts ("Motion") and in support state the following:

1. On June 2, 2024, the City filed its Fully Dispositive Motion for Summary Judgment [DE 70].
2. On July 8, 2024, Plaintiff filed her Statement of Material Facts and Additional Facts In Support of Her Response In Opposition to Defendant's Motion for Summary Judgment ("Plaintiff's Facts") [DE 78] and her Response In Opposition to Defendant's Motion for Summary Judgment ("Plaintiff's Response") [DE 79].
3. The City's Reply to Plaintiff's Response and the City's Reply Statement of Material Facts (collectively referred to as "Reply") are currently due on or before July 15, 2022.

4. The City respectfully request a brief extension of time of seven (7) days within which to file its Reply making its Reply due on or before July 22, 2024.

5. Good cause exists for granting this extension.

6. Specifically, undersigned lead counsel Michael Elkins is presently getting ready for an injunction hearing specially set for July 11, 2024.

7. Additionally, on July 12, 2024, Mr. Elkins has a fully day of witness interviews scheduled for an external employment investigation.

8. Therefore, the majority of the current seven (7) day response period is taken up with previously scheduled matters.

9. Further, Plaintiff's Response raises numerous legal issues that require thorough analysis and briefing for which the City respectfully requires additional time to complete.

10. Finally, Plaintiff's Facts raise additional facts to which the City must thoroughly reply.

11. All the foregoing, taken together, necessitates the City's need for an additional seven (7) days to file its Reply.

12. The City's counsel Michael Elkins certifies that he has conferred with Plaintiff's counsel and Plaintiff's counsel does not oppose the relief requested herein.

13. Additionally, this Motion is made six (6) days in advance of the current response deadline.

14. Thus, there is no delay in seeking this extension.

15. Moreover, granting the relief requested herein will not impact any other deadlines in this case.

16. Finally, undersigned counsel Michael Elkins certifies that this Motion is made in good-faith and is not for purposes of delay.

WHEREFORE, the City respectfully requests that the Court grant this Motion in its entirety making the City's Reply due on or before July 22, 2024.

Dated: July 9, 2024.

Respectfully submitted,

By: /s/Michael L. Elkins
Michael L. Elkins, Esq.
Florida Bar No. 523781
melkins@mlelawfirm.com
MLE LAW
1212 NE 16th Terrace
Fort Lauderdale, FL 33304
Telephone: 954.401.2608
Co-Counsel for Defendant

By: /s/Henry J. Hunnefeld
Henry J. Hunnefeld, Esq.
Florida Bar No. 343811
henryhunnefeld@miamibeachfl.gov

By: /s/Benjamin J. Braun
Benjamin J. Braun, Esq.
Florida Bar No. 1017937
benjaminbraun@miamibeachfl.gov

CITY OF MIAMI BEACH
CITY ATTORNEY
City Attorney's Office
1700 Convention Center Drive
Fourth Floor- Legal Department
Miami Beach, FL 33139
Telephone: 305.673.7470
Co-Counsel for Defendant

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on July 9, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/Michael L. Elkins
Michael L. Elkins

SERVICE LIST

CASE NO.: 1:22-cv-21004-MD

Daniel J. Barroukh, Esq.
danielb@dereksmithlaw.com
DEREK SMITH LAW GROUP, PLLC
520 Brickell Key Drive
Suite O-301
Miami, FL 33131
Counsel for Plaintiff